

Decision No. 25225.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
the CITY OF GLENDALE, a municipal
corporation, for permission to
install a grade crossing over the
tracks of the Pacific Electric
Railway Company at Gardena Avenue.

ORIGINAL

Application No. 18183.

Bernard Brennan and Aubrey N. Irwin, for Applicant.

Richard E. Wedekind, for Pacific Electric Railway
Company, Protestant.

George W. Hoyer, for South Glendale Improvement
Association.

BY THE COMMISSION:

O P I N I O N

The above entitled application was filed with this Commission by the City of Glendale, requesting authority to construct Gardena Avenue at grade across the tracks of Pacific Electric Railway Company in said city, County of Los Angeles.

A public hearing on said application was conducted by Examiner Kennedy at Los Angeles on August 24, 1932, at which time the matter was taken under submission with the understanding that the parties would be afforded an opportunity to submit written arguments. Said written arguments having now been filed, the matter is ready for decision.

Authority for the construction of a grade crossing at this location has been requested by the City of Glendale on four previous occasions. This Commission's Decision No. 11526, dated January 18, 1923, on Application No. 8384, granted authority for the maintenance of a grade crossing at this location for a period of two years. It appears from the

record that the crossing was constructed and upon the expiration of the allowed time, the crossing was abandoned and effectively closed. Decision No. 14765, dated April 10, 1925, on Application No. 10778, denied the city's application for a grade crossing at this location. Decision No. 15910, dated January 29, 1926, on Application No. 11136, authorized the city to construct this crossing as a means of temporarily handling traffic on Brand Boulevard during the construction of a grade separation at Glendale-Brand Boulevard and the tracks of Southern Pacific Company, which separation was ordered constructed by this Commission's Decision No. 17330, dated September 10, 1926, on Cases Nos. 2124 and 2171. Decision No. 20614, dated February 21, 1929, on Application No. 14804, granted temporary authority for the construction of said crossing under terms identical with those of Decision No. 15910. It was stipulated at the hearing that the records adduced at former proceedings involving this crossing be considered in evidence in this proceeding in so far as relevant.

Inasmuch as the Commission's previous decisions in connection with this matter have described the physical conditions, street layout and nature of the adjacent territory at this crossing, which have not changed to any extent, it does not appear necessary to again reiterate same in this decision.

In support of the granting of this application, applicant alleged that the proposed crossing would relieve congestion at the intersection of Brand Boulevard and San Fernando Road, in the City of Glendale; that it would be a convenience for residents living along Gardena Avenue both east and west of Brand Boulevard; that it would afford a more direct and convenient route for northbound traffic on Brand Boulevard, in reaching Southern Pacific Station in Glendale and industries and residences located north of Southern Pacific Company's tracks and west of Brand Boulevard, and would be convenient for the fire and police departments to reach a fire or disturbance in the district

north of Southern Pacific Company's tracks and east of Brand Boulevard.

Subsequent to the hearing, applicant waived its request for a permanent crossing at this point and has requested that the crossing be granted until such time as the above mentioned grade separation is constructed. It should be pointed out that the proposed grade crossing is within the limits of the north approach to the proposed separation of grades at Glendale-Brand Boulevard and Southern Pacific Company's tracks, as ordered by this Commission's Decision No. 17330, and it would be practically impossible to retain the grade crossing after the completion of said separation. The present status of the record dealing with this separation is that Southern Pacific Company has been directed by this Commission to undertake the construction and be responsible for its completion prior to December 30, 1934. There appears to be no argument for the retention of a grade crossing at this point subsequent to the completion of the above mentioned grade separation.

With respect to relieving congestion at the intersection of San Fernando Road and Brand Boulevard, it appears that the proposed grade crossing would attract all or at least the greater part of the northbound traffic on Brand Boulevard desiring to reach the Southern Pacific Station or industries and residences in the general locality thereof and to this extent would decrease the volume of traffic and also the necessity of "U" turns at the intersection of San Fernando Road and Brand Boulevard. The amount of this traffic appears to be minor when compared to the total of approximately 25,000 vehicles passing through the intersection in a twelve-hour period (7:00 A.M. to 7:00 P.M.). The construction of this crossing would also eliminate the use of the west side of Brand Boulevard by northbound traffic and the east side of Brand Boulevard by southbound traffic between San Fernando Road and the Southern Pacific tracks. This amount of traffic, however, is comparatively small.

The record also shows that some through traffic north-bound on Brand Boulevard, desiring to reach points in the north-westerly portion of Glendale, may, in order to avoid the congestion at the intersection of San Fernando Road and Brand Boulevard, elect to use the proposed crossing at Gardena Avenue to reach Central Avenue. It is a matter of conjecture as to how much of this through traffic would avail itself of this route, as no distance would be saved by crossing the tracks at Gardena Avenue, nor would the crossing of San Fernando Road be eliminated by this course. There can be no denial of the fact that the crossing of the tracks at Gardena Avenue would be more hazardous than would be the case at San Fernando Road where both rail and vehicular traffic is regulated by traffic signals, and likewise the crossing at San Fernando Road and Central Avenue would be as difficult, if not more so, since at this latter point there appears to be no special regulation of the heavy San Fernando traffic.

We are in accord with applicant's allegation that any improvement providing speedy access to an area of the city is manifestly a benefit to the police and fire departments, but it must be concluded in this instance, as shown by the record, that the absence of a crossing over Pacific Electric tracks at Gardena Avenue has not been an unreasonable detriment to speedy access by the police and fire departments to the area adjacent to the proposed crossing. The nearest fire house to the territory in the vicinity of the proposed crossing is located at Brand and Los Feliz Boulevards, so it would appear that during hours of heavy traffic on Brand Boulevard, the fire department would elect to avoid Brand Boulevard, if possible.

Applicant avers that the proposed crossing would not be particularly hazardous since the views at the crossing would be clear; that the train movements would be restricted to a speed of 15 miles per hour, and that the speed of the vehicular traffic would be slow,

due to its entrance into the heavily traveled Brand Boulevard. We cannot subscribe to this conclusion, as we believe the record shows the contrary to be true, due to the fact that there are 182 train movements over the crossing daily; that with an important, heavily traveled artery on either side of the crossing the motorist's attention may be directed to watching the vehicular traffic on Brand Boulevard rather than the rail traffic; that with the heavy and fairly fast moving traffic on Brand Boulevard, difficulty may be encountered by traffic failing to clear the crossing promptly, and the difficulty of motorists seeing trains proceeding in the same direction prior to crossing the tracks.

If it were shown that there is a substantial public need for the proposed crossing at the present time, this need would be a continuing one even after the grade separation above described was completed.

The Pacific Electric Railway Company estimated the cost of constructing a crossing at this point to be approximately \$2,400, predicated upon the construction of a crossing of far higher type than would be appropriate for a temporary crossing; nevertheless, it would cost a substantial amount for the construction of a temporary crossing at this location, which cost, to a large extent, should reasonably be assessed to the city. It may also be noted that it was stated in the Commission's Decision No. 20814, dealing with this matter, that the construction of a crossing at Gardena Avenue would apparently have an effect on the item of property damage when the grades are separated at Southern Pacific Company's tracks and Glendale-Brand Boulevard. Any increase in property damage would necessarily increase the City of Glendale's proportionate share of the cost of the grade separation. The record shows, however, that a grade crossing at this point to accommodate traffic on Brand Boulevard during the construction of the grade separation referred to above would be warranted by public con-

venience and necessity.

After carefully considering the evidence in this proceeding, it is concluded that the comparatively slight local public benefits that would result from the construction of the proposed crossing would be more than offset by the attendant hazard, except that it should be authorized to accommodate traffic pending the time of actual construction of the grade separation referred to above.

O R D E R

The City of Glendale having filed the above entitled application, a public hearing having been held and the Commission being fully apprised of the facts,

IT IS HEREBY ORDERED that the City of Glendale be and it is hereby authorized to construct Gardena Avenue at grade across the tracks of the Pacific Electric Railway Company at the location more particularly described in the application and as shown by the maps (Exhibits "A," "B" and "C") attached thereto, for a temporary period, to accommodate traffic during the actual construction of the grade separation, as ordered in this Commission's Decision No. 17330, said crossing to be constructed subject to the following conditions:

- (1) This crossing shall be identified as Crossing No. 6G-6.46.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Pacific Electric Railway Company. No portion of the cost herein assessed to applicant for the construction and maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Pacific Electric Railway Company.

- (3) The crossing shall be constructed of a width of approximately seventy (70) feet and at an angle as shown on the map, marked Exhibit "B," attached to the application; shall be constructed substantially in accordance with Standard No. 2, as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereon of vehicles and other road traffic.
- (4) The crossing shall be protected by an automatic flagman, the cost of materials for which shall be borne by applicant. Any expense connected with the reinstallation of such a protective device, together with the maintenance of same, shall be borne by the Pacific Electric Railway Company.
- (5) The crossing shall not be opened until actual work has commenced on the construction of said grade separation of Southern Pacific tracks and Glendale-Brand Boulevard.
- (6) Said temporary crossing shall be abolished at such time as the construction of the said separation of Glendale-Brand Boulevard and Southern Pacific Company's tracks shall have been completed or when the work has progressed to such a point that the continuance of such crossing will interfere with the construction of this grade separation.
- (7) Applicant shall advise this Commission when the crossing is constructed and also when it has been abolished.

IT IS HEREBY FURTHER ORDERED that the application of the City of Glendale for a temporary crossing over Pacific Electric Railway Company's tracks at Gardena Avenue, other than is authorized hereinabove, be and the same is hereby denied.

The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 3^d day of October, 1932.

W. H. ...
Leon ...
M. A. ...
M. B. ...
Fred G. ...
Commissioners.